



WASHINGTON, DC

STEPHEN E. CORAN
202.416.6744
SCORAN@LERMANSENTER.COM

September 10, 2018

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Wireless Internet Service Providers Association
Promoting Investment in the 3550-3700 MHz Band
GN Docket No. 17-258
Notice of Oral Ex Parte Presentation**

Dear Ms. Dortch:

On September 7, 2018, Claude Aiken, President & CEO of the Wireless Internet Service Providers Association (“WISPA”), Ari Storch, WISPA’s consultant, and undersigned counsel to WISPA met with Chairman Ajit Pai and his Legal Advisor Jay Schwarz to discuss certain aspects of the above-referenced proceeding.¹

The WISPA representatives reiterated the need for the Commission to retain at least two Priority Access Licenses (“PAL”) in every market based on census tracts. We emphasized that the recent success of fixed wireless broadband providers in the Commission’s recently concluded Connect America Fund (“CAF”) Phase II reverse auction made it even more critical for the 3550-3700 MHz band to be available to enable cost-effective and expeditious build-out, and would help protect the Commission’s investment in CAF subsidies.² We stated that WISPA’s willingness to agree to only two census tract PALs was incorporated into a broad coalition

¹ See *Promoting Investment in the 3550-3700 MHz Band*, Notice of Proposed Rulemaking and Order Terminating Petitions, 32 FCC Rcd 8071 (2017) (“3.5 GHz 2017 NPRM”).

² See *Public Notice*, “Connect America Fund Phase II Auction (Auction 903) Closes,” AU Docket No. 17-182 and WC Docket No. 10-90, DA 18-887 (rel. Aug. 28, 2018), at Attachment A. Those winning bidders that have deployed broadband over fixed networks include Air Link Rural Broadband, LLC; AMG Technology Investment Group LLC; Benton Ridge Telephone Company; Broadband Corp.; Cal.net, L.P.; California Internet, L.P.; Crystal Automation Systems, Inc.; Declaration Networks Group, Inc.; Inventive Wireless of Nebraska, LLC; Midcontinent Communications; Newmax, LLC dba Intermax Networks; Total Highspeed LLC; and Wisper ISP, Inc. Many of these are members of WISPA.



proposal that included all stakeholders other than the mobile carriers, and sought to create the appropriate balance necessary to enable rural broadband, IIoT, and 5G services to develop in the band.³

We also discussed PAL auction design techniques that would enable a successful auction among a large number of bidders with diverse business models, including the proposals outlined in the ex parte letter submitted last August by economist Paul Milgrom⁴ as well as the cost-benefit analysis submitted by William Lehr.⁵ The Commission's policy decisions have historically driven the design for Commission auctions, and we believe the same approach should be taken here. To the extent there are software design issues associated with a PAL auction involving census tracts, we pointed out that the Commission has scheduled other spectrum auctions for the next year or so, and that there should be sufficient time for the Commission to develop software to accommodate census tract PAL auctions. We expressed our strong interest in remaining engaged with the Commission on auction design issues as the pending CBRS proceeding is finalized.

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being filed electronically via the Electronic Comment Filing System in the above-referenced proceeding.

Respectfully submitted,

/s/ Stephen E. Coran
Stephen E. Coran

cc: The Honorable Ajit Pai
Jay Schwarz

³ See Letter from Marissa Mitrovich, Frontier Communications, et al., to Marlene H. Dortch, FCC Secretary, GN Docket No. 17-258 (filed May 29, 2018).

⁴ See Letter from Paul Milgrom, Auctionomics Inc., to Marlene H. Dortch, FCC Secretary, GN Docket No. 12-354 (filed Aug. 7, 2017).

⁵ See William Lehr, *Analysis of Proposed Modifications to CBRS PAL Framework*, GN Docket No. 17-258 (filed Dec. 28, 2017).